

## JPP RFI6 Att 3 - Victim Access to Information

Sexual Assault Case Information Necessary for Victim Representation and Protection of Article 6b Rights	What specific information or documentation is provided? Must it be requested or is it automatic?	When in the process is it available or provided?	Who is responsible for providing the information or response?	How is the information requested or provided?	Governing Service policy or other relevant Service guidance
1. Status of the investigation	A status update is provided upon request.	At any time during the investigation, to the extent it will not interfere with the investigation.	The individual in charge of the criminal investigation.	Information provided telephonically, in person, or email to victim/VLC or per victim's election.	MCO 5800.14_ (VWAP Order).
2. Copy of a victim's statement, interview, or video taken by investigators	Written statements provided by counsel for Government if in counsel for Government's possession. Video statement requests are forwarded by counsel for Government to NCIS. Counsel for Government can make video available to victim/VLC for viewing. Upon request.	Preferral or anytime thereafter.	Counsel for Government for written statements. NCIS for video statements.	Victim/VLC may make a verbal or written request to TC for written statements. For video statements requests, TC forwards request to NCIS.	FOIA; Practice Advisory 4-14; Pending Marine Corps Bulletin (pending MCBUL).

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3. Copy of other physical or documentary evidence produced or provided by the victim	Copies of documents are provided upon request. Physical evidence may be viewed upon request.	Preferral or anytime thereafter.	If in Counsel for Government's possession, counsel for Government provides upon request. Other evidence coordinated through NCIS.	Copies are provided or access made available.	FOIA; Practice Advisory 4-14; pending MCBUL.
4. Notice of pre-trial status or change in status of the accused	Pre-trial status or change of status of the accused; escape or release of accused. Automatic.	Earliest possible opportunity after the TC becomes aware of the status change.	Counsel for Government.	Orally or letter/email to victim/VLC.	Article 6b, UCMJ; R.C.M. 305(n); MCO 5800.14_ (VWAP Order); Practice Advisory 3-15.
5. Notice of pre-trial confinement hearing	Notice of scheduling of the hearing. Automatic.	Earliest possible opportunity prior to the hearing.	Counsel for Government.	Orally or in writing to victim/VLC	Article 6b, UCMJ; R.C.M. 305(i)(2)(A)(iv); MCO 5800.14_ (VWAP Order); Practice Advisory 3-15.
6. Notice of preferral of charges and nature of the charges pertaining to the victim	Charge sheet is provided. Automatic.	Upon preferral of charges.	Counsel for Government.	Orally or letter/email to victim/VLC	Practice Advisory 4-14; pending MCBUL.

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7. Notice of decision not to prefer charges and explanation of decision	Notice of whether charges are going to be preferred and an explanation of the decision. Automatic.	Once the decision is made.	Counsel for Government.	Orally or in writing to victim/VLC. As victim is available, counsel for Government will seek to meet with victim in-person and with VLC if assigned.	MCO 5800.14_ (VWAP Order).
8. Copy of the Article 32 IO appointment letter	A copy of the appointing order is not specifically listed as automatically provided, however, the date, time, and location of any preliminary hearing and any requests for continuances are automatically provided. Nothing prevents PHO or counsel for Government from providing.	As soon as the information is available.	Counsel for Government or PHO.	May be provided in person, email or through the mail to victim/VLC.	MCO 5800.14_ (VWAP Order); PA 4-14; PA 3-15. Provision of the appointing order is included in the pending MCBUL.

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9. Copy of the charge sheet	Copy of the charge sheet, redacted for PII, is provided. Automatic.	After charges are preferred.	Counsel for Government.	May be delivered in person, email or through the mail to victim/VLC if assigned.	PA 4-14; pending MCBUL.
10. Notice of the scheduling, including changes and delays, of the Article 32 hearing	The date, time, and location of any preliminary hearing and any requests for continuances. Automatic.	If victim and/or VLC are available, counsel for Government will contact with proposed Article 32 dates. Victim/VLC are notified immediately of changes in Article 32 scheduling.	Counsel for Government or PHO.	Orally or in writing to victim/VLC if assigned.	Article 6b, UCMJ; R.C.M. 405; MCO 5800.14_ (VWAP Order); PA 4-14; PA 3-15; pending MCBUL.
11. Notice of the scheduling, including changes and delays, of hearings or other proceedings related to MRE 412, 513, or 514 evidence that pertain to the victim (prior to referral)	Notice of the proceedings and a reasonable right to be heard, including the right to be heard through VLC. Automatic.	As soon as the information is available prior to the proceedings.	Counsel for Government or PHO.	Orally or in writing to victim/VLC if assigned.	Article 6b, UCMJ; Article 32, UCMJ; R.C.M. 405, M.R.E. 412/513/514; PA 4-14; PA 3-15; pending MCBUL.

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12. Copies of motions and responsive pleadings related to M.R.E. 412, 513, or 514 evidence that pertain to the victim (prior to referral)	Likely occurs in the context of an Article 32 Preliminary Hearing. Notice (Per R.C.M. 405 IAW M.R.E. 412/513/514), copies of any relevant filings, and an opportunity to be heard are provided. The right to be heard includes the right to be heard through counsel. Automatic.	Notice requirements follow the applicable M.R.E. at issue. Generally, upon the submission of the moving party to the PHO.	Moving party, counsel for Government, or PHO.	Orally or in writing to victim/VLC if assigned.	Article 6b, UCMJ; Article 32, UCMJ; R.C.M. 405; M.R.E. 412/513/514; MCO 5800.14_ (VWAP Order); Article 32 Preliminary Hearing Officer's Guide.
13. Copies of any other motion(s) and responsive pleadings that may involve a victim's Article 6b rights (prior to referral)	Likely occurs in the context of an Article 32 Preliminary Hearing. The VLC receives copies of filings/notices that affect victim rights. Automatic.	Generally, upon the submission of the moving party to the PHO.	Moving party, counsel for Government, or PHO.	Orally or in writing to victim/VLC if assigned.	Article 6b, UCMJ; Article 32, UCMJ; R.C.M. 405; M.R.E. 412/513/514; MCO 5800.14_ (VWAP Order); Article 32 Preliminary Hearing Officer's Guide.

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14. Copy of recording or transcript of victim's testimony at the Article 32 hearing	Access to or a copy of the recording. Upon request.	No later than a reasonable time following dismissal of the charges, unless charges are dismissed for the purpose of re-referral, or court-martial adjournment.	Counsel for Government.	May be provided in person, via email, or through the mail to victim/VLC if assigned.	Article 32, UCMJ; R.C.M. 405; PA 3-15; pending MCBUL.
15. Copy of Article 32 report/advice	If approved by release authority, redacted copy of Article 32 report and advice. Upon request.	Depends on request and FOIA.	Convening Authority.	FOIA process.	FOIA.
16. Notice of referral and nature of charges	Notice and a copy of charge sheet, redacted for PII, with referred charges. Automatic.	As soon as possible after referral.	TC.	Orally or in writing to victim/VLC if assigned.	MCO 5800.14_ (VWAP Order); PA 4-14; pending MCBUL.

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17. Notice of decision not to refer charges and explanation of decision	The decision not to refer and an explanation. Automatic.	As soon as possible after decision is made.	Generally, the TC. The VWAC may provide notification, but must first consult with TC.	Orally or in writing to victim/VLC if assigned.	MCO 5800.14_ (VWAP Order).
18. Notice of the scheduling, including changes and delays, of the court-martial	Any docket requests as well as docketing or scheduling orders, including deadlines for filing motions and the date, time, and location for any session of trial. Automatic.	TC contacts victim/VLC about proposed dates for input. Copies of the aforementioned items are provided to victim/VLC within 24 hours of the order. Notice of other delays or continuances are made with victim/VLC comment to the Court or through TC.	TC.	Orally or in writing to victim/VLC if assigned, or notice directly from the Court.	MCO 5800.14_ (VWAP Order); Uniform Rules of Practice for U.S. Navy-Marine Corps Trial Judiciary (NMCTJ Rules of Practice), Rule 6/36.3.

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19. Notice of R.C.M. 802 conferences	If there is an issue related to victim, notice of the conference, plus the VLC shall be included in the conference where practicable. Automatic.	When the conference is scheduled.	Military Judge / Clerk of Court / TC.	Orally or in writing to victim/VLC if assigned, or notice directly from the Court.	NMCTJ Rules of Practice, Rule 8.1.
20. Notice of the scheduling, including changes and delays, of hearings or other proceedings related to MRE 412, 513, or 514 evidence (after referral)	Notice of scheduling of hearings including changes and delays, and copies of any orders. Automatic.	TCs shall consult with VLC if applicable prior to agreeing to any session of court or requesting a continuance. Notice provided generally within 24 hours of the order.	Moving party / TC	TC delivers scheduling orders to victim/VLC. Change in dates are provided by moving party/TC by email or orally.	NMCTJ Uniform Rules of Practice, Rule 36; PA 4-14; pending MCBUL.

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21. Notice of the scheduling, including changes and delays, of any other hearings or other proceedings that may pertain to the Article 6b rights of a victim (after referral)	Notice of scheduling of hearings including changes and delays, and copies of any orders. Automatic.	TCs shall consult with VLC if applicable prior to agreeing to any session of court or requesting a continuance. Notice provided generally within 24 hours of the order.	Moving party / TC.	TC delivers scheduling orders to victim/VLC. Change in dates are provided by moving party/TC by email or orally.	NMCTJ Uniform Rules of Practice, Rule 36; PA 4-14; pending MCBUL.
22. Copies of motions and responses related to M.R.E. 412, 513, or 514 evidence that pertain to the victim (after referral)	Copies of motions and responses, as well as copies of rulings on said motions. Automatic.	Generally, within 24 hours of the filing.	Moving party / TC.	Copies served upon victim/VLC by moving party/TC.	NMCTJ Uniform Rules of Practice, Rule 36; PA 4-14; pending MCBUL.
23. Copies of other motion(s) and responses in the case that may involve a victim's Article 6b rights (after referral)	Copies of motions and responses as well as copies of rulings on said motions. Automatic	Generally, within 24 hours of the filing.	Moving party / TC.	Copies served upon victim/VLC by moving party/TC.	NMCTJ Uniform Rules of Practice, Rule 36; PA 4-14; pending MCBUL.

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24. Notice of negotiation of a pre-trial agreement	Notice of pretrial agreement negotiations and an opportunity to express the views of the victim regarding the proposed terms of the agreement. Automatic.	Prior to acceptance.	TC.	Notice and opportunity to express views is provided orally or in writing to Victim/VLC.	PA 4-14; pending MCBUL.
25. Notice of the acceptance of a pre-trial agreement	Victims receive a copy of any approved pretrial agreement. Automatic.	Once the pretrial agreement is accepted.	TC.	Notice and a copy of the PTA are provided orally or in writing to victim/VLC.	MCO 5800.14_ (VWAP Order); PA 4-14; pending MCBUL.
26. Notice of the acceptance of a guilty plea or announcement of findings	Notice that the plea has been accepted or findings announced. Automatic.	Once the plea has been accepted or findings have been announced.	TC.	If victim is not present in court, then s/he is notified orally or in writing personally or through VLC if assigned.	MCO 5800.14_ (VWAP Order).
27. Notice of the sentence imposed, including the date on which the accused becomes eligible for release from confinement, or parole,	Automatic notice of the sentence adjudged and the CA's action on the findings and sentence. The	Once the sentence has been announced and when the CA has acted. Regarding the	TC / confinement facility VWAC.	Notice is provided orally or in writing to victim/VLC. As for the rest of the items, notification preferences are	MCO 5800.14_ (VWAP Order); DD 2704/5.

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if applicable.	other items are provided by the brig. Upon request via DD 2704/5.	other items, at least 45 days in advance of the proceeding (or as soon as a date is established).		documented as part of completion of DD 2704/5. Confinement facility VWACs contact victim IAW their procedures.	
28. Notice when the accused is released from confinement or is transferred to a different location.	Release: Date, reason for release, and destination city and state. Transfer: All planned transfers and address of receiving brig. Upon request via DD 2704/5.	Release: As soon as the release is scheduled. Transfer: Within 10 days of prisoner's arrival at new facility.	Confinement facility VWAC.	Certified mail, return receipt requested. If any mail does not reach the recipient, the confinement facility VWAC shall attempt to contact the victim via phone.	MCO 5800.14_ (VWAP Order); DD 2704/5.
29. Copy of record of trial if victim testified	Upon request, copy of record of trial, redacted for PII. Note: R.C.M. 1103 does not require that the victim testify to receive a copy of the ROT.	No later than authentication of the record, the TC shall notify the victim of the right to the ROT.	TC conducts notification of the right. Post-Trial Review Officer would deliver the record of trial.	Notice is provided orally or in writing to victim/VLC. Victims may decline a copy of the record of trial in writing, and any written declination shall be attached to the original record of trial.	Article 54(e), UCMJ; R.C.M. 1103/1104; PA 4-14; pending MCBUL.

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30. Notice of any public proceeding of the clemency and parole board	Notice of clemency/parole hearing, right to request personal appearance, and right to submit matters. Automatic.	At least 45 days in advance (or as soon as a date is established).	Confinement facility VWAC.	Certified mail, return receipt requested. If any mail does not reach the recipient, the confinement facility VWAC shall attempt to contact the victim via phone.	Article 6b, UCMJ; MCO 5800.14_ (VWAP Order).
31. Notice of any appellate review of the case	In applicable cases, TC or designee must provide victims basic information about the appeals process. If victim wants information and updates about appeals, the TC shall forward the victim's contact information and DD 2704 to Code 46, OJAG.	Information is generally provided after the sentence and findings have been approved. Subsequent notifications occur as soon as possible after docketing.	Updates to a DoDI are pending that will formalize this process; however, common practice is for appellate gov't counsel to notify the VLC. In the absence of a VLC, appellate government counsel will contact the SJA or TC to complete victim notifications.	Orally or in writing to victim/VLC if assigned.	MCO 5800.14_ (VWAP Order); pending DoDI.